

A judicial lien, when barred by lapse of time, cannot be revived so as to have a retrospective effect prejudicial to the rights of others. (g)

Where a judgment has abated by death, during the continuance of the lien, the plaintiff; or his representative, may come in, under a creditor's suit, as a judgment creditor, without reviving at law.

A purchaser under a decree is not bound to see to the application of the purchase money. (h)

The tacking of one claim to another is never allowed to the prejudice of others. (i)

THIS was a bill filed on the 18th of July, 1809, by Samuel Coombs, in behalf of himself and the other creditors of Richard Jordan, deceased, against Richard Jordan, Ann Jordan, and James Cook. The bill states, that Richard Jordan, deceased, at the time of his death, was indebted to the plaintiff by judgment in the sum of £45 15s. 9½d.; and died intestate possessed of a large personal estate, and seised in fee simple of a large tract of land called Brambly, leaving the infant defendants Richard and Ann, his only children and heirs; that the defendant Cook, took out letters of administration upon the personal estate of the intestate, and paid to the plaintiff \$67, in part satisfaction of his claim, but declined paying any more; alleging, that there were other creditors of the intestate; and that there were not assets sufficient to pay the plaintiff a greater proportion of his claim. Whereupon it was prayed, that, in case the personal estate of the deceased should be insufficient, his real estate might be sold to pay his debts; and that the plaintiff might have such other and further relief as the nature of his case might require.

* The infant defendants Richard and Ann, on the 10th of April, 1810, answering by their guardian *ad litem* admitted the allegations and matters set forth in the bill of complaint. And the defendant Cook, by his answer, filed on the 28th of June, 1810, admitted the truth of the allegations of the bill, and that the personal estate of the deceased was insufficient to pay his debts. **285**

KILTY, C., 30th June, 1810.—Decreed, that the property in the proceedings mentioned be sold, that James Cook be, and he is hereby appointed trustee for making the said sale, &c., the one-half of the purchase money to be paid in one year, and the residue in three equal annual payments, with interest from the day of sale, &c.

Under this decree, the trustee reported, that on the 24th day of September, 1810, he sold, subject to the dower of his widow, the

(g) Denied in *Hodges v. Sevier*, 4 Md. Ch. 384.

(h) As to when a purchaser of trust property is not bound to see to the application of the purchase money, see *Van Bokkelen v. Tinges*, 55 Md. 53; *Keister v. Scott*, 61 Md. 507.

(i) Cf. *Lee v. Stone*, 5 G. & J. 1.